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Paper 81

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11 UNITED STATES PATENT AND TRADEMARK OFFICE
12

14 BEFORE THE BOARD OF PATENT APPEALS
15 AND INTERFERENCES
16

18 STEVEN P. NOLAN and JINKUN HUANG,
19
20 Junior Party
21 (Application 09/392,869),
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23 v
24

25 ROBERT H. GRUBBS and MATTHIAS SCHOLL,
26
27 Senior Party
28 (Application 09/576,370).
29

31 Patent Interference 105,373 (McK)
32 Technology Center 1600
33

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35 Entered: 5 June 2007
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37
38 *Before:* FRED E. McKELVEY, *Senior Administrative Patent Judge*, and
39 SALLY GARDNER LANE, and JAMES T. MOORE, *Administrative Patent*
40 *Judges.*

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42 McKELVEY, *Senior Administrative Patent Judge.*
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44 **JUDGMENT**
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1 Nolan Substantive Motion 2 (Paper 73) moves to concede priority to
2 Grubbs. The Motion is treated as a request for entry of an adverse judgment
3 as to Count 2. 37 C.F.R. § 41.127(b) (2006).

4 Upon consideration of Nolan Substantive Motion 2, it is
5 ORDERDED that judgment on priority as to Count 2 (the sole
6 count in the interference) is awarded against Junior Party Steven P. Nolan
7 and Jinkun Huang.

8 FURTHER ORDERED that Junior Party Steven P. Nolan and
9 Jinkun Huang is not entitled to a patent containing claims 9, 11-13, 23-24,
10 27-30, 39-40, 45-46, 51, 52, 55-56, 59, 61, 71, 73, 77, 89, 91, and 107-109
11 (corresponding to Count 2) of:

12 Nolan application 09/392,869
13 filed 09 September 1999
14

15 FURTHER ORDERED that if there is a settlement agreement,
16 attention is directed to 35 U.S.C. § 135(c).

17 FURTHER ORDERED that a copy of this JUDGMENT
18 shall be placed in the files of (1) Nolan application 09/392,869, filed 09
19 September 2000, and (2) Grubbs application 09/576,370, filed 22 May 2000.

20 FURTHER ORDERED that the Clerk is directed to distribute
21 the files upon entry of this JUDGMENT.
22

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2
3 /ss/ Fred E. McKelvey)
4 FRED E. McKELVEY)
5 *Senior Administrative Patent Judge*)
6) BOARD OF
7 /ss/ Sally Gardner Lane)
8 SALLY GARDNER LANE)
9 *Administrative Patent Judge*)
10) PATENT
11 /ss/ James T. Moore)
12 JAMES T. MOORE)
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) APPEALS
) AND
) INTERFERENCES

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